

Official Form 417A (12/23)

United States Bankruptcy Court, District of Delaware
C. A. No. 24-11354-JKS – Chapter 7

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):
Diamondhead Casino Corporation
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff
☐ Defendant
☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☒ Debtor
☐ Creditor
☐ Trustee
☐ Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment—or the appealable order or decree—from which the appeal is taken:
Opinion and Orders Denying Debtor's Motion to Dismiss the Involuntary Bankruptcy Petition or in the Alternative Convert to Chapter 11 (D.I. 42, 43) and Order for Relief (D.I. 45)
2. State the date on which the judgment—or the appealable order or decree—was entered:
July 30, 2025 (D.I. 42, 43) and July 31, 2025 (D.I. 45)

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment—or the appealable order or decree—from which the appeal is taken and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Edson Arneault

Attorney: Jonathan M. Stemerman, Esq.
1007 N. Market Street, 3rd Floor
Wilmington, DE 19801
302-416-9670

2. Party: Kathleen and James Devlin

Attorney: Jonathan M. Stemerman, Esq.
1007 N. Market St. 3rd Floor
Wilmington, DE 19801
302-416-9670

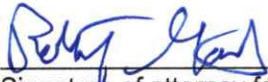
Additional Parties Attached

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s)
if not represented by an attorney)

Date: August 13, 2025

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Robert D. Goldberg

921 North Orange St. Wilmington, DE 19899-1489

302-345-8955

:

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

[Note to inmate filers: If you are an inmate filer in an institution and you seek the timing benefit of Fed. R. Bankr. P. 8002(c)(1), complete Director's Form 4170 (Declaration of Inmate Filing) and file that declaration along with the Notice of Appeal.]

Attachment to Form 417A - Additional Parties:

- 3) Party: Emerson Partners Attorney: Jonathan M. Stemerman, Esquire
1007 N. Market Street, 3rd Floor
Wilmington, Delaware 19801
(302) 416-9670
- 4) Party: J. Steven Emerson as Successor to Steven Emerson Roth IRA
Attorney: Jonathan M. Stemerman, Esquire
1007 N. Market Street, 3rd Floor
Wilmington, Delaware 19801
(302) 416-9670
- 5) Party: J. Steven Emerson Attorney: Jonathan M. Stemerman, Esquire
1007 N. Market Street, 3rd Floor
Wilmington, Delaware 19801
(302) 416-9670
- 6) Party: John Hawley as Servicing Agent for Argonaut 2000 Partners, L.P.
Attorney: Jonathan M. Stemerman, Esquire
1007 N. Market Street, 3rd Floor
Wilmington, Delaware 19801
(302) 416-9670
- 7) Party: Steven Rothstein Attorney: Jonathan M. Stemerman, Esquire
1007 N. Market Street, 3rd Floor
Wilmington, Delaware 19801
(302) 416-9670
- 8) Party: Barry and Irene Stark Attorney: Jonathan M. Stemerman, Esquire
1007 N. Market Street, 3rd Floor
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